

State of South Dakota

SEVENTY-FIFTH SESSION LEGISLATIVE ASSEMBLY, 2000

643D0453

HOUSE BILL NO. 1100

Introduced by: Representatives Michels, Brown (Jarvis), Fischer-Clemens, Hunt, Koehn, McIntyre, Slaughter, Wilson, and Young and Senators Everist, Daugaard, Dunn (Rebecca), Flowers, and Moore

1 FOR AN ACT ENTITLED, An Act to allow certain nurses to form limited liability partnerships
2 and limited liability companies.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 48-7-111 be amended to read as follows:

5 48-7-111. Any person registered, certified, or licensed pursuant to chapter 16-16, 36-4, 36-5,
6 36-6A, 36-7, 36-8, 36-9, 36-9A, 36-10, 36-12, or 36-20A may practice in a limited liability
7 partnership.

8 Section 2. That § 47-11E-1 be amended to read as follows:

9 47-11E-1. One or more registered nurses, licensed practical nurses, certified registered nurse
10 anesthetists, or clinical nurse specialists licensed pursuant to chapter 36-9 or nurse ~~practitioner~~
11 practitioners or nurse ~~midwife~~ midwives licensed pursuant to chapter 36-9A may form a
12 professional service ~~corporations~~ corporation for the practice of nursing under the South Dakota
13 Business Corporation Act. The articles of incorporation of ~~such corporations~~ the corporation
14 shall contain provisions complying with the requirements of §§ 47-11E-1 to 47-11E-19,
15 inclusive.

16 Registered nurses, licensed practical nurses, certified registered nurse anesthetists, or clinical

nurse specialists licensed pursuant to chapter 36-9 or nurse practitioners or nurse midwives licensed pursuant to chapter 36-9A may form a professional limited liability company under the South Dakota Limited Liability Company Act if the limited liability company is organized and operated in accordance with the provisions of this chapter. The articles of organization of the limited liability company shall contain provisions complying with the requirements of §§ 47-11E-1 to 47-11E-19, inclusive.

Section 3. That chapter 47-11E be amended by adding thereto a NEW SECTION to read as follows:

Terms used in this chapter shall also include the following terms:

- (1) "Articles of incorporation," the articles of organization of a limited liability company;
- (2) "Corporation," both corporations under the South Dakota Business Corporations Act and limited liability companies under the South Dakota Limited Liability Company Act;
- (3) "Director" or "officer," any manager of a limited liability company or the members of a limited liability company that does not have managers;
- (4) "Incorporation," the members of a limited liability company;
- (5) "Shareholders," the members of a limited liability company;
- (6) "Shares" or "stock," membership interests in a limited liability company.

Section 4. That § 47-11E-4 be amended to read as follows:

47-11E-4. The name of a corporation formed pursuant to § 47-11E-1 shall contain the words, "professional company" or "professional corporation" or abbreviations thereof, such as "Prof. Co.," or "Prof. Corp." or "P.C." The name of a limited liability company formed under § 47-11E-1 shall contain the words, professional limited liability company, or the abbreviation, Prof. L.L.C. The name of the corporation or limited liability company shall always meet the ethical standards established for the names of nursing firms by the canons of professional ethics

1 of the South Dakota Board of Nursing as if all of the stockholders of the corporation were
2 partners.